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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
PHOENIX DIVISION

Todd Heichel, Rudy Castro Justin  
Garmendia, Joshua Holgate and Randi  
Pitts, Each Individually and on Behalf of  
All Others Similarly Situated,

Plaintiffs,

v.

Tri City Transport, LLC, SWWOOP,  
LLC, and Michael Butler,

Defendants.

NO. 2:22-cv-1513-PHX-SMM

**MOTION FOR EXTENSION OF  
TIME TO SERVE INDIVIDUAL  
DEFENDANT MICHAEL BUTLER  
VIA PUBLICATION**

Plaintiffs, each individually and on behalf of all others similarly situated, by and through their undersigned counsel of Sanford Law Firm, PLLC, for their Motion for Extension of Time to Serve Individual Defendant Michael Butler Via Publication (“Motion”), state and allege as follows:

1. Plaintiffs filed this action on September 8, 2022. *See* ECF No. 1. Plaintiffs have been diligently pursuing service of a dodging Defendant ever since. *See* ECF No. 28.

2. Following many attempts to serve Individual Defendant Michael Butler (“Butler”), *see* ECF Nos. 16, 23, & 29, Plaintiffs moved this Court for permission to serve Butler via publication. ECF No. 35.

3. The Court granted Plaintiffs’ Motion and allowed Plaintiffs until November 7 to effectuate service on Defendant. ECF No. 36.

4. Plaintiffs’ counsel approached a newspaper whose circulation includes Maricopa, Yuma, and Yavapai Counties for purposes of publishing the required Notice for four successive weeks, as required by Ariz. R. Civ. P. 4(l)(1).

5. However, due to an apparent miscommunication with the newspaper, the Notice was only published by the newspaper for two days, from October 12 to October 13. A copy of an affidavit from the newspaper describing the Notice and the dates it was published is attached hereto as Exhibit 1. Plaintiffs’ counsel received this affidavit on November 2.

6. Plaintiffs require additional time in order to arrange for proper service by publication, including the publishing of the Notice for four consecutive weeks.

7. Accordingly, Plaintiffs request an additional forty-five (45) days in which to properly serve Butler via publication.

8. Plaintiffs make this request in good faith; this motion is made for good cause and not for the purpose of delay.

9. Defendants will not be unjustly harmed or prejudiced if this Court grants the relief requested herein.

1 WHEREFORE, premises considered, Plaintiffs respectfully pray that this Court  
2 grant this Motion extending the deadline for service by publication, up to and including  
3 December 22, 2023.

4 DATED this 7th day of November, 2023.

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